

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LISA GARCIA,)	
)	
Plaintiff,)	Case No:
)	
v.)	
)	Personal Injury Action (28 U.S.C. §1332)
LOWE’S MARKET PLACE, INC.)	
)	
Defendant.)	
)	

COMPLAINT FOR NEGLIGENCE
(Jury Trial Demanded)

Comes now Plaintiff, LISA GARCIA (hereinafter “Plaintiff”), by and through her attorney of record, and for cause of action against the Defendant, LOWE’S MARKET PLACE, INC. (hereinafter “Defendant”), alleges and states as follows:

I. PARTIES

1. That Plaintiff, at all times relevant and material to this cause of action, resided in the State of New Mexico and is otherwise sui juris.
2. That Defendant, upon information and belief, at all times material hereto, resided in the State of Texas and is otherwise sui juris.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 USC § 1332.
4. The amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000, and the action is between parties with complete diversity of citizenship.
5. Plaintiff’s claim arose in Curry County, New Mexico, making venue appropriate in the United States District Court for the District of New Mexico, under 28 USC §1391.

III. FIRST CAUSE OF ACTION

6. Plaintiff realleges and reincorporates by reference paragraphs 1 to 5.

7. On or about July 10, 2019, Plaintiff, LISA GARCIA, was a patron/business invitee of Defendant's grocery store. As Plaintiff was walking in Defendant's premises, her foot became caught on an area of carpet that was lifted from the floor as a result of being improperly placed, secured and/or installed. As a result of same, Plaintiff tripped and severely injured herself.

8. At all times relevant hereto, Defendant, LOWE'S MARKET PLACE, INC., knew or should have known of the dangerous condition referenced in this complaint herein but failed to take the appropriate steps to discover and/or remedy same.

9. The Defendant breached the applicable duty of care and was careless and negligent in the following ways:

- a. Defendant failed to maintain its property free of dangerous conditions and/or created the dangerous condition by improperly placing, securing, installing carpet and/or failing to repair store pathways including but not limited to its carpeting;
- b. Defendant failed to post signage warning patrons and to otherwise warn customers of the dangerous condition;

10. As a direct and proximate result of the negligent, grossly negligent, careless and/or reckless actions of the Defendant, the Plaintiff suffered grievous bodily injury, both temporary and permanent, endured pain and suffering, both physical and mental, incurred medical expenses, has undergone medical treatment and will undergo medical treatment in the future and has suffered loss of enjoyment of life, has been unable to engage in normal family,

social, recreational and household services, activities, and other damages which will continue into the future. Plaintiff is entitled to compensation for her damages.

11. Defendant's negligence was a proximate cause of the injuries and damages to Plaintiff as described herein above.

WHEREFORE, Plaintiff, LISA GARCIA, prays for judgment against Defendant, LOWE'S MARKET PLACE, INC., as follows:

- a. For non-economic damages in an amount to be proved at the time of trial but which exceed the jurisdictional limits of this Court.
- b. For economic damages in an amount to be proved at the time of trial, but which exceed the jurisdictional limits of this Court.
- c. For costs and disbursements incurred herein; and
- d. For Such other relief as this Court deems just and proper.

Dated: August 23, 2021.

Respectfully submitted,

/s/James M. Loren

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